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9 Attorneys for Plaintiff
10 **HUG ENGINEERING, INC.**

11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 HUG ENGINEERING, INC., a Texas
15 corporation,

16 Plaintiff,

17 v.

18 MR. MUFFLER, INC., a California
19 corporation, and DOES 1 through 10,
20 inclusive,

21 Defendants.

Case No.: **5:18-cv-01937**

COMPLAINT FOR:

- (1) **BREACH OF CONTRACT; and**
(2) **ACCOUNT STATED**

1 Plaintiff HUG ENGINEERING, INC. (“HUG”) hereby alleges against
2 DEFENDANT MR. MUFFLER, INC. (“Mr. Muffler”) based on personal knowledge
3 and otherwise information and belief, as follows:

4 **JURISDICTION AND VENUE**

5 1. This Court has subject matter jurisdiction under 28 U.S.C. § 1332
6 because the amount in controversy exceeds \$75,000.00, exclusive of interest and
7 costs, and HUG is incorporated in and is a citizen of a different state than Mr. Muffler.

8 2. Venue in this District is proper under 28 U.S.C. § 1391(b) because the
9 obligation giving rise to HUG’s claims was incurred in and agreed to be performed in
10 this District and because Mr. Muffler is located in this District. All of HUG’s claims
11 against Mr. Muffler are properly venued before this Court.

12 **PARTIES**

13 3. HUG is, and at all times mentioned herein was, a corporation organized
14 and existing under the laws of the state of Texas with its principal place of business in
15 Buford, Georgia. HUG was qualified to do and engaged in business in California.

16 4. HUG is informed and believes and thereon alleges that Mr. Muffler is,
17 and at all times mentioned herein was, a corporation organized and existing under the
18 laws of the state of California with its principal place of business in Riverside County,
19 California.

20 5. The true names and capacities, whether individual, corporate, associate or
21 otherwise, of defendants DOES 1 through 10 are presently unknown to HUG who
22 therefore sues said defendants by such fictitious names. HUG is informed and
23 believes, and on that basis alleges, that DOES 1 through 10 are in some manner
24 responsible for the damages suffered by HUG as alleged herein. HUG will amend this
25 Complaint to identify the true names and capacities of the fictitiously named
26 defendants when the same have been ascertained.

19. HUG submitted an accounting in writing of the amount owed to it by Mr. Muffler. Mr. Muffler agreed that the amount stated in the account was the correct amount it owed to HUG. Mr. Muffler promised to pay HUG the sum of \$261,954.25.

20. Despite demand for payment by HUG, there is now due, owing and unpaid to HUG \$261,954.25 together with prejudgment interest thereon from the balance due date.

PRAVERS FOR RELIEF

WHEREFORE, by virtue of Mr. Muffler's unlawful conduct as alleged herein,
HUG respectfully prays for judgment as follows:

1. For damages according to proof;
2. For costs of suit herein;
3. For pre-judgment and post-judgment interest at the maximum legal rate as provided by law;
4. For attorney's fees as provided by law; and
5. For such other and further relief as the Court deems just and proper.

DATED: September 11, 2018

MARTHA S. DOTY
LISA GARCIA
ALSTON & BIRD LLP

/s/ Lisa Garcia

Lisa Garcia
Attorneys for Plaintiff
HUG ENGINEERING, INC.